

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IP 14373		FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB99/00119	International filing date (day/month/year) 14/01/1999	Priority date (day/month/year) 15/01/1998	
International Patent Classification (IPC) or national classification and IPC B21J5/08			
Applicant AMORNTATKUL, Noppadol et al.			

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 13/08/1999	Date of completion of this report 22.02.2000
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Ritter, F Telephone No. +49 89 2399 2387 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB99/00119

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-11 as originally filed

**Claims, No.:**

1-27 as originally filed

**Drawings, sheets:**

1/4-4/4 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

**INTERNATIONAL PRELIMINARY  
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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	
	No:	Claims	1-27
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-27
Industrial applicability (IA)	Yes:	Claims	1-27
	No:	Claims	

**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item V**

**1. The following documents is made reference to:**

D1: FR 2 653 809 A

**2. Independent claims 1 and 2:**

Claims 1 and 2 have a different wording, but contain exactly the same features.  
So the following analysis of claim 1 is also valid for claim 2.  
Document D1 discloses:

Apparatus for cold forging a metal workpiece (page 2, lines 27-30),  
comprising a die (7, 8) and by the die having means to alleviate stress to the  
workpiece during forging (relief channel 10).

All the features of claims 1 and 2 are known from D1, their subject-matters are not  
new (Article 33(2) PCT).

**3. Dependent claims 3 to 14:**

Dependent claims 3 to 14 do not contain any features which, in combination with  
the features of any claim to which they refer, meet the requirements of the PCT in  
respect of novelty, the reasons being as follows:

The subject-matters of claims 3 to 9, 13 and 14 are known from D1 (see fig. 1, fig.  
4, page 5, lines 17 to 23).

The other claims 10 to 12 comprise normal features of a forging press  
respectively a hydraulic circuit.

**4. Independent claim 15:**

Document D1 discloses:

A method of cold forging an elongate metal workpiece (page 2, lines 27-30),  
comprising the steps of providing forging apparatus having a die (7, 8), by  
providing the die with means to alleviate stress in the workpiece during  
forging (10), and by forging the workpiece (page 5, lines 7-14).

All the features of claim 15 are known from D1. The subject-matter of claim 15 is not new (Article 33(2) PCT).

**5. Dependent claims 16 to 19:**

Dependent claims 16 to 19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, the reasons being as follows:

All subject-matters are known from D1 (see fig. 1, fig. 4, page 5, lines 7 to 14).

**6. Independent claim 20:**

The subject-matter of claim 20 is unclear according to Article 6 PCT. A claim defining a product in terms of a process is to be construed as a claim to the product as such. The claim should take the form "product A obtainable by process B".

But even clarified, the subject-matter of claim 20 would not be new, as the product obtainable by the method according to any of claims 15 to 19 would contain exactly the same features as the product obtainable by the process known from D1 (see section 4.)

The subject-matter of claim 20 is not new (Article 33(2) PCT).

**7. Dependent claims 21 to 25:**

Dependent claims 21 to 25 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, the reasons being as follows:

The subject-matters of claims 21 to 23 are known from D1 (page 2, lines 10-16).

The subject-matters of claims 24 and 25 refer to a use of the metal workpiece.

This use is also known from D1 (page 1, lines 1-10).

**8. Independent claim 26 and dependent claim 27:**

The subject-matters of claims 26 and 27 are known from D1 (die 7, 8; relief channel 10, see fig. 4).

The subject-matters of claims 26 and 27 are not new (Article 33(2) PCT).

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/GB99/00119

**Re Item VII**

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

**Re Item VIII**

See section 6.